THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.19941 of 2006

25.9.2006

Between:

Asmitha Mahila Mandali, represented by its
President V.Bharathi, 14/3, Arundelpet, Guntur

… Petitioner

AND

The District Collector, Guntur District
And others

… Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.19941 of 2006

ORDER:

Asmitha Mahila Mandali, Guntur, filed the present writ petition seeking a writ of Mandamus declaring the action of the respondents in trying to dispossess the respondents and occupants of 12th to 17th lines of 'C' Block in Swarnabharathi Nagar, from their respective plots in Adavi Thakkellapadu Village of Guntur Rural Mandal in Guntur District, as illegal and arbitrary. The petitioner also seeks a consequential direction to the respondents to issue pattas to those occupants.

It is the case of the petitioner that in 2000 a number of persons belonging to Scheduled Castes, Scheduled Tribes and Backward Class communities occupied the land admeasuring Acs.13.00 in survey No.221/6/3 situated at Adavi Thakkellapadu Village and raised huts. At present, there are 800 families, to whom the Government also issued house site allotment letters. For the last five years, the petitioner is looking after the welfare of the said occupants. As regular pattas were not granted to the occupants, the petitioner has made representations to the Authorities, in vain. On 21.7.2006, there was a fire accident in Swarnabharathi Nagar and all the huts were gutted, in which house site allotment letters were also lost/destroyed. A meeting

was held under the Presidentship of the first respondent. Guidelines were issued for preparation of list of beneficiaries for allotment of house site pattas. It was decided to issue allotment to those persons who are given slips and secondly, for those persons who are living since long time. Even before necessary steps could be taken in that direction, some Government employees who had an eye on the land pressurized the Authorities. Due to this, the occupants are being threatened to vacate the land. Therefore, the present writ petition is filed.

After hearing learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (General), this Court is of considered opinion that the writ petition filed by Asmitha Mahila Mandali for allotment of house sites/issue of regular pattas to occupants of Swarnabharathi Nagar cannot be entertained.

There is no denial that every occupant, subject to eligibility and subject to availability of the land, has a right for being considered for allotment of house site. Indeed a perusal of the minutes of the meeting held on 22.7.2005 at DDRC Meeting Hall in the District Collectorate would show that there was never any proposal to involve associations like the petitioner. A decision was taken to prepare list of persons eligible for allotment of house site pattas. Secondly, the house site pattas are given by the respondents directly to the persons eligible but not to the association. It would have been altogether different if those persons who are denied legitimate expectation were themselves before the Court. Mere allegation or fact that the petitioner has taken up number of welfare activities for weaker sections/women of the colony is no ground to confer *locus* to the petitioner to seek a Mandamus directing the respondents to issue house site pattas.

The writ petition is, therefore, dismissed. No costs.

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(**V.V.S.RAO, J**)

September 25, 2006.

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